



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 02 2000

US EPA RECORDS CENTER REGION 5



REPLY TO THE ATTORNEY OF

SE 9.3

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sam Winer Motors
Mr. Sid Zitzer, Vice President
3417 East Waterloo Road
Akron, Ohio 44312

RE: Sam Winer Motors Site, Akron, Ohio
General Notice of Potential Liability

Dear Mr. Winer:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 *et seq.* (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Develop and implement a Site-specific Health and Safety Plan;

2. Secure and contain all hazardous substances on Site;
3. Conduct additional soil and groundwater sampling to identify, inventory, and characterize hazardous substances or pollutants or contaminants that may be on Site as a result of waste deposited in the alleged solvent pits.
4. Stabilize and dispose off-Site all hazardous substances or pollutants or contaminants from the solvent pits, and surrounding contaminated soil at a U.S. EPA-approved disposal facility in accordance with the U.S. EPA Off-Site Rule (40 CFR § 300.440);
5. Take any response action to address any release or threatened release of a hazardous substance, pollutant, or contaminant that the U.S. EPA determines may pose an imminent and substantial endangerment to the public health or the environment.
6. Sample residential wells, which will be identified by U.S. EPA, for metals, semi-volatile and volatile constituents. The samples must be analyzed using methodology consistent with 40 CFR Part 141 and must include all parameters for which there are established Maximum Contaminant Levels (MCLs) or Maximum Contaminant Level Goals (MCLGs), as well as any parameters identified by analysis pursuant to U.S. EPA site assessment activities or Respondent's removal activities.

U.S. EPA has received information that your organization may have owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement

Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within **seven (7)** days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

Debora Haidar
U.S. EPA - Region 5
25089 Center Ridge Road
Westlake, Ohio 44145.

If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the facility and that your organization has declined any involvement in performing the response activities.

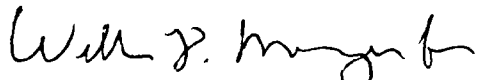
Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Robert Thompson of the U.S. EPA Office of Regional Counsel at (312) 353-6700.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified

herein. We hope you will give this matter your immediate attention.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Richard C. Karl". The signature is fluid and cursive, with a large, stylized "R" and "K".

Richard C. Karl, Chief
Emergency Response Branch

Enclosure (SBREFA information sheet)



United States
Environmental Protection
Agency

Office of Enforcement and Compliance Assurance (2201A)
EPA 300-F-99-004 September 1999

Office of Enforcement and Compliance Assurance INFORMATION SHEET

U.S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and State environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. Many public libraries provide access to the Internet at minimal or no cost.

EPA's Small Business Home Page (<http://www.epa.gov/sbo>) is a good place to start because it links with many other related websites. Other useful websites include:

EPA's Home Page

<http://www.epa.gov>

Small Business Assistance Programs

<http://www.epa.gov/ttn/sbap>

Compliance Assistance Home Page

<http://www.epa.gov/oeca/oc>

Office of Site Remediation Enforcement

<http://www.epa.gov/oeca/osre>

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance on environmental requirements.

provide a list of all the hot lines and assist in determining the hotline best meeting your needs. Key hotlines include:

EPA's Small Business Ombudsman

(800) 368-5888

Hazardous Waste/Underground Tanks/ Superfund

(800) 424-9346

National Response Center

(to report oil and hazardous substance spills)

(800) 424-8802

Toxic Substances and Asbestos Information

(202) 554-1404

Safe Drinking Water

(800) 426-4791

Stratospheric Ozone and Refrigerants Information

(800) 296-1996

Clean Air Technical Center

(919) 541-0800

Wetlands Hotline

(800) 832-7828

EPA's Small Business Ombudsman Hotline can

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Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established national Compliance Assistance Centers that provide Internet and "faxback" assistance services for several industries with many small businesses. The following Compliance Assistance Centers can be accessed by calling the phone numbers below and at their respective websites:

Metal Finishing

(1-800-AT-NMFC or www.nmfc.org)

Printing

(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair

(1-888-GRN-LINK or www.ccar-greenlink.org)

Agriculture

(1-888-663-2155 or www.epa.gov/oeca/ag)

Printed Wiring Board Manufacturing

(1-734-995-4911 or www.pwbrc.org)

The Chemical Industry

(1-800-672-6048 or www.chemalliance.org)

The Transportation Industry

(1-888-459-0656 or www.transource.org)

The Paints and Coatings Center

(1-800-286-6372 or www.paintcenter.org)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information. For assistance in reaching state agencies, call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org/state.html>.

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Audit Policy (<http://www.epa.gov/oeca/auditpol.html>) and the Small Business Policy (<http://www.epa.gov/oeca/smbusi.html>). These do not apply if an enforcement action has already

been initiated.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your Standard Industrial Code (SIC) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.

Supplemental Information for Small Businesses

Subject to an U.S. EPA Enforcement Action

The United States Environmental Protection Agency (EPA) offers small businesses a wide variety of compliance assistance resources and tools designed to assist businesses to comply with federal and state environmental laws. These resources can help businesses understand their obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Websites

EPA offers a great deal of compliance assistance information and materials for small businesses on the following Websites, available through public libraries:

➔ www.epa.gov	<i>EPA's Home Page</i>
➔ www.smallbiz-enviroweb.org	<i>EPA's Small Business Home Page</i>
➔ www.smallbiz-enviroweb.org/state.html	<i>List of State Contacts</i>
➔ www.epa.gov/ttn/sbap	<i>Small Business Assistance Programs</i>
➔ www.epa.gov/oeca/polguid/index.html	<i>Enforcement Policy and Guidance</i>
➔ www.epa.gov/oeca/smbusi.html	<i>Small Business Policy</i>
➔ www.epa.gov/oeca/oc	<i>Compliance Assistance Home Page</i>
➔ www.epa.gov/oeca/ccsmd/commpull.html	<i>Small Businesses and Commercial Services</i>
➔ www.epa.gov/oeca/ccsmd/mun.html	<i>Small Communities Policy</i>

Hotlines

EPA sponsors approximately 89 hotlines and clearinghouses that provide a free and convenient avenues to obtain assistance with environmental requirements. The Small Business Ombudsman Hotline can provide you with a list of all the hot lines and assist you with determining which hotline will best meet your needs. Key hotlines that may be of interest to you include:

➔ Small Business Ombudsman.....	(800) 368-5888
➔ RCRA/UST/CERCLA Hotline.....	(800) 424-9346
➔ Toxics Substances and Asbestos Information.....	(202) 554-1404
➔ Safe Drinking Water.....	(800) 426-4791
➔ Stratospheric Ozone/CFC Information.....	(800) 296-1996
➔ Clean Air Technical Center.....	(919) 541-0800
➔ Wetlands Hotline.....	(800) 832-7828

Compliance Assistance Centers

EPA has established national compliance assistance centers, in partnership with industry, academic institutions, and other federal and state agencies, that provide on line and fax back assistance services in the following sectors heavily populated with small businesses:

- ➔ Metal Finishing (www.nmfrc.org)
- ➔ Printing (1-888-USPNEAC or www.pneac.org)

- Automotive (1-888-GRN-LINK or www.ccar-greenlink.org)
- Agriculture (1-888-663-2155 or www.epa.gov/oeca/ag)
- Printed Wiring Board Manufacturing (www.pwbrc.org)
- The Chemical Industry (Contact: Emily Chow 202-564-7071)
- The Transportation Industry (<http://www.transource.org>)
- The Paints and Coatings Center (Contact: Scott Throwe 202-564-7013)
- Local Governments (Contact: John Dombrowski, 202-564-7036)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site as well as other types of assistance. Please contact your local state environmental agency for more information. EPA's Small Business Ombudsman can provide you with State Agency contacts by calling (800)-368-5888.

Compliance Incentive Policies

EPA's Small Business Policy and Small Communities Policy are intended to promote environmental compliance among small businesses by providing incentives such as penalty waivers and reductions for participation in compliance assistance programs, and encouraging voluntary disclosure and prompt correction of violations. These policies can not be applied to an enforcement action such as this one that has already been initiated, but are noted for future reference. Contact Karin Leff (202-564-7068) for information on the Small Business Policy and Ken Harmon (202-564-7049) for information on the Small Communities Policy.

In order to improve your understanding of and compliance with environmental regulations and avoid the need for future enforcement actions, we encourage you to take advantage of these tools. ***However, please note that any decision to seek compliance assistance at this time does not relieve you of your obligation to answer EPA's administrative complaint in a timely manner, does not create any new rights or defenses, and will not affect EPA's decision to pursue this enforcement action.***

The Small Business and Agriculture Regulatory Enforcement Ombudsman and ten Regional Fairness Boards were established to receive comments from small businesses about federal agency enforcement actions. The Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your SIC designation, number of employees or annual receipts) and wish to comment on federal enforcement and compliance activities, call 1-888-REG-FAIR (1-888-734-3247). ***However, participation in this program does not relieve you of your obligation to respond to an EPA request, administrative or civil complaint or other enforcement action in a timely manner nor create any new rights or defenses under law. In order to preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.***

Dissemination of this information sheet does not constitute an admission or determination by EPA that your business, organization or governmental jurisdiction is a small entity as defined by SBREFA or related provisions nor does it create any new rights or defenses under law.